



ENTERED  
12/05/2019

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re	:	Chapter 11
	:	
	:	
<b>NEWSCO INTERNATIONAL ENERGY</b>	:	Case No. 19-36767 (MI)
<b>SERVICES USA, INC.,</b>	:	
	:	
Debtor.	:	Related to Docket No.

**ORDER AUTHORIZING THE DEBTOR TO PAY  
PRE-PETITION EMPLOYEE WAGES, BENEFITS, INDEPENDENT CONTRACTORS  
AND RELATED ITEMS ON INTERIM BASIS**

(Docket No. 7)

This matter coming before the Court on the Debtor's Emergency Motion For Interim Order Authorizing the Debtor to Pay Pre-petition Employee Wages, Benefits, Independent Contractors And Related Items (the "Motion"); the Court having reviewed the Motion and the First Day Declaration and having considered the statements of counsel and the evidence adduced with respect to the Motion at a hearing before the Court (the "Hearing"); the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (iv) notice of the Motion and the Hearing was sufficient under the circumstances and (v) there is good cause to waive the fourteen-day stay imposed by Bankruptcy Rule 6004(h) to the extent it is applicable; and after due deliberation the Court having determined that the relief requested on an interim basis in the Motion is (i) in the best interests of the Debtor, its estate and its creditors and (ii) necessary to prevent immediate and irreparable harm to the Debtor, its estate and its employees; and good and sufficient cause

having been shown;

**ORDER AUTHORIZING THE DEBTOR TO PAY PRE-PETITION EMPLOYEE WAGES, BENEFITS, INDEPENDENT CONTRACTORS, AND RELATED ITEMS ON INTERIM BASIS – EXHIBIT A-1**

4814-6136-4910.1/J1452/391515/120419

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX, 2019, at XXXXX XX prevailing Central Standard Time, a hearing will be held before this Court to consider the relief sought in this Motion. All objections, if any, to the Motion shall be in writing and filed with this Court and served on counsel for the Debtor, any duly appointed statutory committee and the United States Trustee, so as to be received on or before December XX, 2019 at XX:XX p.m. prevailing Central Standard Time.

3. The Debtor is authorized, but not directed, to pay on an interim basis the Pre-petition Compensation, Pre-petition Deductions, Pre-petition Benefits, Pre-petition Processing Costs that were accrued and unpaid as of the Petition Date in an aggregate amount not to exceed \$132,720.70, plus \$91,987.49 in independent contractors claims, and also \$4,750.00 for a temporary staffing agency, for a total of \$229,458.19, provided, that pending entry of a Final Order, the Debtor shall not honor any Pre-petition Compensation, Pre-petition Deductions, Pre-petition Benefits and Pre-petition Processing Costs that exceed the priority amounts set forth in 11 U.S.C. §507(a)(4) or 11 U.S.C. §507(a)(5). In addition, subject to entry of a final order, the Debtor shall not cash out any vacation/leave time upon the termination of any employee, except to the extent applicable state law requires such payment.

4. Nothing herein shall be deemed to authorize the payment of any amounts that violate, implicate, or are otherwise subject to 11 U.S.C. §503(c). The Debtor will seek approval of any management or insider bonus or incentive programs, if any, under separate motion under 11 U.S.C. §503(c), and nothing herein shall prejudice the Debtor's ability to seek such relief pursuant to 11 U.S.C. §503(c) at a later time.

**ORDER AUTHORIZING THE DEBTOR TO PAY PRE-PETITION EMPLOYEE WAGES, BENEFITS, INDEPENDENT CONTRACTORS, AND RELATED ITEMS ON INTERIM BASIS – EXHIBIT A-2**

5. The Debtor is authorized, in the Debtor's sole discretion, to pay on an interim basis the Pre-petition Business Expenses that were accrued and unpaid as of the Petition Date.

6. The Banks are authorized, when requested by the Debtor, to receive, process, honor and pay all checks presented for payment of, and to honor all funds transfer requests made by the Debtor related to Pre-petition Compensation, Pre-petition Business Expenses, Pre-petition Deductions, Pre-petition Benefits and Pre-petition Processing Costs, whether such checks were presented or funds transfer requests were submitted prior to or after the Petition Date, provided that funds are available in the Debtor's accounts to cover such checks and funds transfers. The Banks are authorized to rely on the Debtor's designation of any particular check or funds transfer as approved by this Order.

7. Nothing in the Motion or this Order, nor the Debtor's payment of claims pursuant to this Order, shall be deemed or construed as: (a) an admission as to the validity, priority, or amount of any claim against the Debtor; (b) a waiver of the Debtor's or any other party-in-interest's rights to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim against the Debtor is of a type specified or defined hereunder; (e) a request to assume any agreement, contract or unexpired lease pursuant to section 365 of the Bankruptcy Code; (f) a waiver or limitation of the Debtor's or any other party-in-interest's rights under the Bankruptcy Code or any other applicable law; (g) a concession by the Debtor or any other party-in-interest that any liens (contractual, common law, statutory or otherwise) satisfied pursuant to this Order are valid and the Debtor and all other parties-in-interest expressly reserve their rights to contest the extent, validity, or perfection or to seek avoidance of all such liens.

8. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.

9. The requirements of Bankruptcy Rule 6003(b) have been satisfied with respect to the payments authorized by this Order.

10. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and enforcement of this Order, and any Motion seeking a Final Order on Wages, Benefits, Independent Contractors, and Related Items.

**Signed: December 05, 2019.**

  
**DAVID R. JONES**  
**UNITED STATES BANKRUPTCY JUDGE**